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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,815	07/01/2002	Jonathan Sharp	367.41537X00	5578

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ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 NORTH SEVENTEENTH STREET  
SUITE 1800  
ARLINGTON, VA 22209-9889

EXAMINER

PHU, SANH D

ART UNIT PAPER NUMBER

2682

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/089,815	<b>Applicant(s)</b> SHARP, JONATHAN	
	<b>Examiner</b> Sanh D Phu	<b>Art Unit</b> 2682	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 July 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The IDS filed 4/4/2002 and 6/3/2003 have been considered and recorded in the file.

### *Claim Rejections – 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 14–24, 29, 31–33 are rejected under 35 U.S.C. 102(e) as being anticipated by Mottier et al (5,542,103).

Regarding to claim 14, see Fig. 1, 2 and col. 2 lines 11 to 56, Mottier et al disclose a portable device (see Fig. 2) comprising:

a user input (volume key and 204) comprising a key (volume key) having a first function when the device is in a first state (101, 102) and a second function (105, 109) when the device is not in the first state;

a processor which determines the state of the device and performs a function in response to a first mode of operation of the key (see Fig. 1); and

wherein the second function is the change of state of the device to the first state (see Fig. 1).

Regarding to claim 15, Mottier et al disclose a device wherein the first state is an idle state (101) (see Fig. 1).

Regarding to claim 16, Mottier et al disclose a device wherein the first function is a shortcut (105) to a predetermined menu (109).

Regarding to claim 17, claim 17 is rejected with the similar reason as set forth in the claim 16.

Regarding to claim 18, Mottier et al disclose a device wherein the predetermined menu comprises a list of first level menu items (a list of two menu features which are 106 and 109) see Fig. 1 and col. 2, lines 41–46).

Regarding to claim 19, claim 19 is rejected with the similar reason as set forth in the claim 18.

Regarding to claim 20, Mottier et al disclose a device wherein the first level menu (106, 109) items include at least one item selected from profiles, call register, messages, infrared, calendar, calculator, games, call divert, settings (see Fig. 1, col. 2, lines 41–46).

Regarding to claim 21, Mottier et al disclose a device wherein the predetermined menu (109) comprises a second level menu (three features, see Fig. 1, col. 2, lines 44–46).

Regarding to claim 22, claim 22 is rejected with the similar reason as set forth in the claim 21.

Regarding to claim 23, Mottier et al disclose a device wherein the key has a third function (110) (to choose either (111) or (112) see Fig. 1) and the

processor performs the third function in response to a second mode (second level (109)) of operation of the key (see Fig. 1).

Regarding to claim 24, Mottier et al disclose a device wherein the third function (110) (to choose either (111) or (112)) is associated with a second state of the device (second level (109) which has three features) the key has a fourth function (111) associated with a third state of the device (the user can select one of three features); and

the processor performs third or fourth functions in response to the second mode of operation of the key, depending upon a state of the device (see Fig. 1).

Regarding to claim 29, Mottier et al disclose a device wherein the key is a button (volume key) (see Fig. 2).

Regarding to claim 31, Mottier et al disclose a device is a radiotelephone (see Fig. 2).

Regarding to claim 32, claim 32 is rejected with the similar reasons as set forth in claim 23.

Regarding to claim 33, claim 33 is rejected with the similar reason as set forth in the claims 23 and 32.

***Claim Rejections – 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 25–28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mottier et al (5,542,103) in view of Mitchell et al (5,966,671).

Regarding to claim 25, Mottier et al does not specifically disclose the processor determines the mode of operation of the key by duration of operation.

Mitchell et al disclose a device wherein the processor determines the mode of operation of the key by duration of operation (see Fig. 6, col. 4, line 38).

It would have been obvious for one skilled in the art to implement Mottier et al 's application, as taught by Mitchell et al, in order to make a multifunctional key so that the device is more compact.

Regarding to claim 26, claim 26 is rejected with the similar reason as set forth in the claim 25.

Regarding to claim 27, Mottier et al does not specifically disclose a device wherein the first mode of operation has duration less than a predetermined threshold.

Mitchell et al disclose a device wherein the processor determines the mode of operation of the key by duration of operation and less than a predetermined threshold (750ms)(see Fig. 6, col. 4, lines 34–62).

It would have been obvious for one skilled in the art to implement Mottier et al 's application with 750 ms threshold, as taught by Mitchell et al, in order



to have a distinguishes between long and short press of the key button so that the user is able to avoid inadvertent presses.

Regarding to claim 28, claim 28 is rejected with the similar reason as set forth in the claim 27.

6. Claims 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mottier et al (5,542,103).

Regarding to claim 30, Mottier et al does not specially disclose the key (volume key) is to turn off the device. However, the examiner takes official Notice that a multifunctional key is well known in the art. Therefore, it would have been obvious for one skilled in the art at the time of the invention was made to have the multifunctional key in Mottier et al, so that the device is more compact.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D Phu whose telephone number is (703) 305-8635. The examiner can normally be reached on 8:00-16:30.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-8635.

Sanh D. Phu  
Examiner  
Art Unit 2682

SP



VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600